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MEMORANDUM FOR: Director of Personnel

SUBJECT : H.R. 6277 - A Bill to Amend the Foreign Service Act of 1946

1. On 3 June 1965 the following individuals met to discuss H.R. 6277, a pending bill that would amend the Foreign Service Act of 1946:

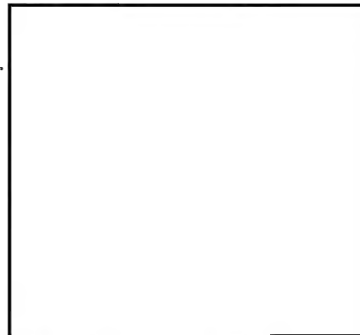
OfficeMember

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OGC

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2. A primary purpose of the meeting was to help [redacted] prepare a "blind memo" for State (which OGC will give to Mr. Crockett) conveying some of our views on H.R. 6277. In addition, it was felt that the meeting would provide a useful forum for discussing how the bill, if passed, will affect CIA and what action we should take to accommodate to it.

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3. The group agreed that the memo for State should reflect our desire to:

- a. insert in Section 26 of the pending bill a provision making the proposed change in the Annual and Sick Leave Act retroactive to 1 January 1965. This change provides that "no leave should be charged to the account of any officer or employee for absence, not to exceed six months, due to an injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad." ([redacted] is aware that Dr. Tietjen is preparing some material to support our desire for a retroactive date in this section.)
- b. preserve Section 522 as now worded so that "the Secretary of State may on the basis of merit and fitness appoint citizens of the United States as Reserve officers without time limitations" When this provision was considered by the Hays subcommittee 19 May, two subcommittee members expressed the view that some standard of admission to FSR status should be provided including some kind of test. Such a test would obviously work to the disadvantage of CIA.

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[SUBCOMMITTEE PRINT]

APRIL 8, 1965

SHOWING CHANGES SUGGESTED BY THE EXECUTIVE BRANCH
Matter proposed to be deleted is shown in ~~linetype~~. New matter is
shown in *italic*

89TH CONGRESS
1ST SESSION

H. R. 6277

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1965

Mr. HAYS introduced the following bill; which was referred to the Com-
mittee on Foreign Affairs

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Foreign Service Act of 1946, as amended, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Service Act
4 Amendments of 1965".

5 SEC. 2. Section 111 (1) of the Foreign Service Act of
6 1946, as amended, is amended by inserting "at home and"
7 immediately after "to serve".

1 SEC. 3. Section 401 (3) of such Act is amended to read
2 as follows:

3 “(3) *Foreign Affairs officers, who shall be appointed*
4 *under section 522 (a);* Foreign Service Reserve officers who
5 shall be appointed or assigned under section 522 (b);”.

6 SEC. 4. Section 415 (b) of such Act is amended by
7 striking out all that follows “by this section,” and inserting
8 in lieu thereof “and he may, as appropriate, establish rates
9 for wage board positions.”.

10 SEC. 5. Section 421 of such Act is amended—

11 (1) by striking out “any Foreign Service officer”
12 and inserting in lieu thereof “any officer of the Service”;
13 and

14 (2) by striking out “as Foreign Service officer”
15 and inserting in lieu thereof “as an officer of the
16 Service”.

17 SEC. 6. Section 441 of such Act is amended—

18 (1) by striking out “(a)”;
19 (2) by striking out “at posts abroad”; and
20 (3) by striking out paragraph (b).

21 SEC. 7. Immediately preceding section 444 of such Act
22 add the following new section:

23 “SEC. 443. The Secretary may establish rates of salary
24 differential, not exceeding 15 per centum of basic salary

1 forming duties abroad requiring frequent travel under un-
2 usually hazardous conditions into hardship areas."

3 SEC. 8. (a) Section 516 (b) of such Act is amended by
4 inserting "or 6" immediately after "class 7".

5 (b) Section 517 of such Act is amended—

6 (1) by striking out "four years" and inserting in
7 lieu thereof "three years"; and

8 (2) by striking out in the first sentence all that fol-
9 lows "if he has" and inserting in lieu thereof "so served
10 one year, he shall be eligible for appointment to class
11 6 or 7".

12 SEC. 9. Section 522 of such Act is amended to read as
13 follows:

14 "SEC. 522. (a) The Secretary may on the basis of merit
15 and fitness appoint citizens of the United States as Reserve
16 officers without time limitation, for temporary or limited
17 service, or for such other periods of service as he may deem
18 necessary, and may establish appropriate probationary
19 periods for such newly appointed officers. Under such regu-
20 lations as the President may prescribe, persons who are
21 citizens of the United States may, on the basis of merit and
22 fitness, be appointed as Foreign Affairs officers without time
23 limitation—

24 (1) to classes 1, 2 and 3 by the President, by and

1 (2) to classes 4, 5, 6, 7 and 8 by the President
2 alone or by the Secretary when directed by the President.
3 The Secretary may establish appropriate probationary
4 periods for such officers. Except as otherwise determined by
5 the President, all provisions of this or any other law appli-
6 cable to Foreign Service Reserve officers are hereby extended
7 to and shall be applicable to Foreign Affairs officers.

8 “(b) Persons who are citizens of the United States may,
9 on the basis of merit and fitness, be appointed by the Secre-
10 tary as Reserve officers for temporary or limited service, or
11 for such other periods of service as he may deem necessary.
12 The Secretary may, with the consent of the head of the Gov-
13 ernment agency concerned, assign as a Reserve officer for
14 such periods as he may deem necessary a person regularly
15 employed in any Government agency.”

16 SEC. 10. Section 523 of such Act is amended to read
17 as follows:

18 “SEC. 523. The class to which a Reserve officer is
19 appointed or assigned under section 522 shall depend on his
20 age, qualifications, and experience. A Reserve Any such
21 officer appointed or assigned for worldwide service may be
22 transferred from one post to another as the interest of the
23 Service may require.”

24 SEC. 11. Section 527 of such Act is hereby repealed.

25 SEC. 12. (a) Section 571 (a) of such Act is amended
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1 by inserting a period immediately after "body" and striking
2 out the remainder of such section.

3 (b) Section 571 (b) of such Act is amended—

4 (1) by inserting "or if such officer is assigned to
5 a position the salary of which is established under the
6 Federal Executive Salary Schedule," immediately after
7 "international body,"; and

8 (2) by striking out the last sentence.

9 SEC. 13. Section 573 of such Act is amended to read
10 as follows:

11 "SEC. 573. The Secretary may assign or detail, *for*
12 *instruction, training, or orientation*, any officer or employee
13 of the Service to or in cooperation with educational or non-
14 profit institutions, or with trade, labor, commercial, or other
15 organizations. Reimbursements or advances of funds may
16 be made to applicable appropriations when received from
17 any such institution or organization for all or any part of the
18 salary and expenses of any officer or employee and his de-
19 pendants during such assignment or detail. The Secretary
20 may authorize such officer or employee to accept quarters,
21 travel, and other expenses, *incident to such instruction,*
22 *training, or orientation*, from the institution or organization."

23 SEC. 14. Section 633 of such Act is amended to read as
24 follows:

1 "Sec. 633. The Secretary may by regulation prescribe
2 (1) the manner in which the standard of performance re-
3 quired of officers or employees of the Service is determined,
4 and (2) the maximum period during which officers or em-
5 ployees are permitted to remain in each class without promo-
6 tion. Any officer or employee who fails to meet the required
7 standard of performance or who is not promoted within the
8 prescribed period may, without regard to section 634, be
9 separated and receive benefits under section 634."

10 Sec. 15. (a) Section 634 (a) of such Act is amended
11 to read as follows:

12 "(a) Any Foreign Service officer or *Foreign Affairs*
13 *officer* in class 1, 2, or 3, or any staff officer in class 4
14 *class 1*, who is a participant in the Foreign Service Retirement
15 and Disability ~~System~~, *System and* who is separated
16 under section 633 shall receive benefits under section 634."

17 (b) Section 634 (b) of such Act is amended—

18 (1) by inserting immediately after "Foreign Service
19 *ice officer*" the phrase "or *Foreign Affairs officer*";

20 ~~(1)~~ (2) by inserting immediately after "or 7" the
21 following: "or any staff officer in class 2, 3, 4, 5, or 6
22 or 6, who is a participant in the ~~System~~, *System and*";

23 ~~(2)~~ (3) by striking out "from the Foreign Service
24 Retirement and Disability Fund," in subparagraph (1);

1 ~~(3)~~ (4) by striking out the second and third sen-
2 tences of subparagraph (2) and inserting in lieu thereof
3 the following: "If such officer dies before reaching age
4 sixty, his death shall be considered a death in service
5 within the meaning of section 832."

6 (c) Section 634 (c) of such Act is amended to read as
7 follows:

8 "(c) Any Reserve officer, or any staff officer or em-
9 ployee who is not a participant in the ~~System~~, *System and*
10 who is separated under section 633 may be granted benefits
11 under section 634 (b) (1)."

12 SEC. 16. Section 635 of such Act is amended by striking
13 out "class 7 who is appointed" and inserting in lieu thereof
14 "class 6 or 7 who is appointed to such class".

15 SEC. 17. Immediately after section 663 of such Act add
16 the following new section:

17 "SEC. 664. The Secretary may, under such terms and
18 conditions as he deems appropriate, compensate any alien
19 employee who is or has been imprisoned by a foreign govern-
20 ment as a result of his employment by the United States, and
21 may utilize for such purpose any authority of the Missing
22 Persons Act, as amended (50 App. U.S.C. 1001 et seq.).
23 Any such imprisonment may be considered for purposes of
24 all other employee benefits to be a period of employment by

1 ~~SEC. 13. Section 803(a)(1) of such Act is amended~~
2 ~~to read as follows:~~

3 ~~"(1) All Foreign Service officers, or former Foreign~~
4 ~~Service officers appointed as Reserve officers or as staff~~
5 ~~officers or employees without a break in service in excess of~~
6 ~~three calendar days;"~~

7 *SEC. 13. Section 803 of such Act is amended by adding*
8 *at the end thereof the following new paragraph:*

9 *"(d) Any participant who is appointed as a Foreign*
10 *Affairs officer or as a staff officer or employee without a break*
11 *in service in excess of three calendar days shall remain a*
12 *participant."*

13 *SEC. 19. Section 911 of such Act is amended by striking*
14 *out the period at the end of paragraph (10) and inserting*
15 *in lieu thereof a semicolon and by adding at the end thereof*
16 *the following new paragraph:*

17 *"(11) travel and related expenses, without regard*
18 *to the provisions of this or any other law, whenever*
19 *he determines that extraordinary conditions, or circumstances*
20 *involving personal hardship, warrant the pay-*
21 *ment of such expenses are incident to appointment,*
22 *service, or separation of officers or employees of the*
23 *Service, including any such expenses of the members*
24 *of their families."*

1 SEC. 20. Section 921 of such Act is amended by adding
2 at the end thereof the following new paragraph:

3 “(d) Notwithstanding the provisions of any other law,
4 assets derived after January 1, 1950, from any non-Govern-
5 ment-operated commissary, mess service, or recreational
6 facility abroad, through termination or otherwise, may be
7 established as a working fund. Such fund may be used by
8 the Secretary, without fiscal year limitation, for the purposes
9 of this section.”

10 SEC. 21. Immediately after section 943 of such Act
11 add the following new sections:

12 “SEC. 944. The Secretary is authorized to continue
13 medical services under part C of this title beyond the date
14 of death or separation of an officer or employee.

15 “SEC. 945. Without regard to the provisions of any
16 other law, the Secretary may provide for cooperation in, or
17 interchange of, medical and related services and property
18 abroad between the United States Government and foreign
19 governments or international organizations under such terms
20 and conditions as he deems appropriate. Any funds re-
21 ceived under such arrangements may be used for direct
22 expenditure or for reimbursement of applicable appro-
23 priations.”

24 SEC. 22. The President is authorized, without regard

10

1 to the provisions of this or any other law, to provide for
2 the transfer, within three years after the date of enactment
3 of this section, of all personnel (except officers compensated
4 in accordance with the Federal Executive Salary Schedule)
5 in or under the Department, the Agency for International
6 Development, and the United States Information Agency,
7 and such personnel as he may designate of other Govern-
8 ment agencies who are engaged in foreign affairs functions,
9 to an appropriate class in the Foreign Service Reserve or
10 ~~Foreign Service staff~~ appropriate classes under the Foreign
11 Service Act of 1946, as amended, as Foreign Affairs officers,
12 Reserve officers, or staff officers or employees. Each officer
13 or employee so transferred shall receive basic compensation
14 at the rate of his class determined to be appropriate by the
15 Secretary, except that the rate of basic compensation received
16 by any officer or employee immediately prior to the effective
17 date of transfer shall not be reduced by the provisions of this
18 section.

19 SEC. 23. It is the policy of the Congress that any Chief
20 of Mission, whenever he deems it appropriate, shall prepare
21 and submit reports relating to the service of any officer or
22 employee of the United States serving in the country to
23 which the Chief of Mission is accredited.

24 SEC. 24. Existing regulations applicable to the Service

1 modified or superseded by regulations made in accordance
2 with the provisions of this Act, unless clearly inconsistent
3 therewith.

4 SEC. 25. (a) The provisions of the Civil Service Act of
5 January 16, 1883, as amended, section 6 of the Act of
6 August 24, 1912, as amended (5 U.S.C. 652), the Veterans'
7 Preference Act of 1944, as amended, and the Classification
8 Act of 1949, as amended, shall not apply to officers and
9 employees of the Foreign Service of the United States.

10 (b) Section 1007 of the United States Information and
11 Educational Exchange Act of 1948 is repealed.

12 SEC. 26. Section 205 of the Annual and Sick Leave Act
13 of 1951, as amended (5 U.S.C. 2064), is amended by add-
14 ing at the end thereof the following new subsection:

15 " (f) No leave shall be charged to the account of any
16 officer or employee for absence, not to exceed six months,
17 due to an injury or illness incurred while serving abroad
18 and resulting from hostile activity or clearly caused by the
19 fact that the officer or employee was located abroad."

20 SEC. 27. Section 231 of the Overseas Differentials and
21 Allowances Act (5 U.S.C. 2038) is amended by inserting
22 immediately before the period at the end thereof the fol-
23 lowing: " , except that in a foreign area where there is
24 unusual danger of injury due to hostile activity such addi-

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tional compensation shall not exceed 50 per centum".

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APRIL 8, 1965

89TH CONGRESS
1ST SESSION

H. R. 6277

A BILL

To amend the Foreign Service Act of 1946, as amended, and for other purposes.

By Mr. HAYS

MARCH 15, 1965

Referred to the Committee on Foreign Affairs

UNION BUREAU PRINTED

APRIL 8, 1965

80TH CONGRESS
1st Session

H. R. 6277

A BILL

To amend the Foreign Service Act of 1916, as amended, and for other purposes.

By Mr. HAYS

MARCH 15, 1965

Referred to the Committee on Foreign Affairs